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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 GERONIMO LUIS CAMEJO-RODRIGUEZ ,

10 Plaintiff,

11 v.

12 TRU SGT. BIGELOW, *et al.*,

13 Defendants.

Case No. C11-1494-TSZ-MAT

REPORT AND RECOMMENDATION

14 Plaintiff is a state prisoner who is currently confined at the Monroe Correctional
15 Complex. On September 9, 2011, the Court received from plaintiff a document entitled “In
16 Contempt of Court. Attachment to Arrest all this DOC. Staffs, US Military, Sgts, Recreation for
17 Continue Racial discrimination, harassment, torture practice. Falsely Infract me by Racial
18 Retaliation Conspiracies to caused me harm. Mental and physical torture to lock me down.
19 Created me conflicts with Mendoza and Weaver, Required Emergency Interstate Compact
20 transfer to Florida MCC.camp Miami for Federal Pre-Release and to have Medical Attention,
21 denied in TRU-WA. F.M.I. 666. No stop planning Evil Act.” Upon receipt of that document,
22 the Clerk opened a new action and advised plaintiff that he would have to submit an application

01 to proceed *in forma pauperis* or pay the filing fee if he wanted the action to go forward.

02 On September 20, 2011, the Court received another submission from plaintiff, this one
03 entitled “Affidavit.” Plaintiff appeared to suggest in that document that his September 9, 2011
04 submission should have been filed in another pending case, C11-1101-RSL. The Court
05 thereafter received from plaintiff an application to proceed *in forma pauperis* along with a
06 document in which plaintiff complained that the court continually charges him to file civil
07 rights actions and then dismisses the cases without ever taking any action.

08 Because plaintiff had yet to file an actual complaint under the cause number assigned to
09 this action, and because it was unclear whether plaintiff, in fact, intended to initiate a new cause
10 of action with his September 9, 2011 submission, this Court determined that it was appropriate
11 to give plaintiff an opportunity to clarify his intentions before taking any further action in this
12 matter. Thus, on November 2, 2011, this Court issued an Order directing plaintiff to submit a
13 complaint on the forms provided by the Court if he intended to proceed with this action. The
14 Court also advised plaintiff that it would defer ruling on his application to proceed *in forma*
15 *pauperis* and his pending motion for appointment of counsel until he submitted an actual
16 complaint to the Court for review.

17 On November 23, 2011, the copy of this Court’s November 2 Order which was sent to
18 plaintiff at his place of incarceration was returned to the Court with a notation indicating that
19 plaintiff had refused the mail. The Court has received no further communication from plaintiff
20 since that date.

21 Based on the foregoing, this Court concludes that plaintiff has elected not to proceed
22 with this action. This Court therefore recommends that the instant action be terminated for

01 failure to prosecute. This Court further recommends that plaintiff's application to proceed *in*
02 *forma pauperis* and his motion for appointment of counsel be stricken as moot. A proposed
03 order accompanies this Report and Recommendation.

04 DATED this 2nd day of February, 2012.

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07 Mary Alice Theiler
08 United States Magistrate Judge
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